

**Introduced by Senator Chesbro**

February 18, 2005

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An act to amend Section 4685.5 of the Welfare and Institutions Code, relating to developmental services.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 481, as introduced, Chesbro. Local self-determination programs.

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families, and sets forth the duties of the regional centers, including, but not limited to, development of individual program plans and the monitoring of services.

Existing law requires the department to conduct a pilot project to enhance the ability of a consumer and his or her family to control the decisions and resources required to meet all or part of the objectives of his or her individual program plan. The law requires the department to permit the continuation of the project in 5 regional centers, and expand it to others if certain conditions are met, including, but not limited to, consistency with federal waivers and no impact in the aggregate to the General Fund.

This bill would recast those provisions and would, if federal waivers for expansions are not forthcoming, require expansion of the project as a state-only program if the project meets criteria established by the department and demonstrates purchase-of-services expenditures are not increased in the aggregate.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 4685.5 of the Welfare and Institutions Code is amended to read:

4685.5. (a) Notwithstanding any other provision of law, commencing January 1, 1999, the department shall conduct a pilot project under which funds shall be allocated for local self-determination pilot programs that will enhance the ability of a consumer and his or her family to control the decisions and resources required to meet all or some of the objectives in his or her individual program plan.

(b) Local self-determination pilot programs funded pursuant to this section may include, but not be limited to, all of the following:

(1) Programs that provide for consumer and family control over which services best meet their needs and the objectives in the individual program plan.

(2) Programs that provide allowances or subsidies to consumers and their families.

(3) Programs providing for the use of debit cards.

(4) Programs that provide for the utilization of parent vendors, direct pay options, individual budgets for the procurement of services and supports, alternative case management, and vouchers.

(5) Wraparound programs.

~~(c) The department shall allow the continuation of the existing pilot project in five regional center catchment areas and shall expand the pilot project to other regional center catchment areas only when consistent with federal approval of a self-determination waiver. The department may approve additional regional center proposals to offer self-determination or self-directed services to consumers that meet criteria established by the department and that demonstrate purchase-of-services savings are achieved in the aggregate and have no impact on the General Fund.~~

~~(d)~~ Funds allocated to implement this section may be used for administrative and evaluation costs. Purchase-of-services costs shall be based on the estimated annual service costs associated with each participating consumer and family. Each proposal shall

1 include a budget outlining administrative, service, and evaluation  
2 components.

3 ~~(e)–~~

4 (d) Pilot projects shall be conducted in the following regional  
5 center catchment areas:

6 (1) Tri-Counties Regional Center.

7 (2) Eastern Los Angeles Regional Center.

8 (3) Redwood Coast Regional Center.

9 (4) Kern Regional Center.

10 (5) San Diego Regional Center.

11 ~~(f)–~~

12 (e) Each pilot operating area receiving funding under this  
13 section shall demonstrate joint regional center and area board  
14 support for the local self-determination pilot program, and shall  
15 establish a local advisory committee, appointed jointly by the  
16 regional center and area board, made up of consumers, family  
17 members, advocates, and community leaders and that shall  
18 reflect the multicultural diversity and geographic profile of the  
19 catchment area. The local advisory committee shall review the  
20 development and ongoing progress of the local  
21 self-determination pilot program and may make ongoing  
22 recommendations for improvement to the regional center.

23 (f) *Expansion of the self-determination projects within the 21*  
24 *regional center catchment areas shall be consistent with a*  
25 *federal waiver to the state's Medicaid plan that provides for*  
26 *federal financial participation for services and supports*  
27 *delivered through a self-determination project.*

28 (g) *Notwithstanding subdivision (f), if the federal waivers are*  
29 *not forthcoming for expansion of the project, the department*  
30 *shall permit the continuation of the existing pilot project in the*  
31 *five regional center catchment areas under those waivers, and*  
32 *shall expand the project to other regional center catchment areas*  
33 *as a state-only program if the project meets criteria established*  
34 *by the department and demonstrates purchase-of-services*  
35 *expenditures are not increased in the aggregate as a result of*  
36 *participation in the project.*

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